

# Permit

Number: \_\_\_\_\_

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# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Florida Department of Transportation, District 5  
Attn: Patrick Muench  
719 South Woodland Blvd.  
Deland, Florida 32720

**Permit No:** SAJ-2007-3095(IP-AWP)

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The placement of clean fill material into 2.26 acres of waters of the United States (wetlands) and 2.08 acres of surface waters for the widening of State Road (SR) 415 from two lanes to four lanes. The work described above is to be completed in accordance with the 4 attachments affixed at the end of this permit instrument.

**Project Location:** The project is located along a 5.2 mile stretch of SR-415 from Reed Ellis Road to north of Acorn Lake Road. The project is located in Sections 31, Township 18 South, Range 32 East, Sections 13, 23 & 24, Township 19 South, Range 31 East, and Sections 6, 7, & 18, Township 19 South, Range 32 East, Volusia County, Florida.

**Directions to site:** From the intersection of State Road 46 and SR-415 proceed north on SR-415. The project begins at Reed Ellis Road and extends north to Acorn Lake Blvd.

**Latitude & Longitude:** Latitude 28.87898 North  
Longitude 81.15242 West

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PERMITTEE: FDOT-District 5  
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### **Permit Conditions**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on **May 2, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to

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ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The Permittee agrees to follow the STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE (Attachment 2) during construction.
2. In accordance with the Memorandum of Understanding between the St. Johns River Water Management District (SJRWMD) and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively, the SJRWMD shall submit an annual status report and five year update of the mitigation described.
3. **Mitigation Credit Purchase:** Prior to the initiation of any work authorized by this permit, the Permittee shall provide verification to the Corps that a total of 3.91 federal mitigation bank credits have been purchased from one of the following federally approved mitigation banks: Colbert-Cameron Mitigation Bank (SAJ-1996-2586), East Central Florida Mitigation Bank (SAJ-1995-6135), Farnton Mitigation Bank (SAJ-1998-1836), T-M Econ Mitigation Bank (SAJ-2001-7089). The required verification shall reference this project's permit number (SAJ-2007-3095(IP-AWP)).
4. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2007-3095(IP-AWP), on all submittals.
5. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
6. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after

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completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

7. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

8. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed

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reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

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PERMITTEE: FDOT-District 5  
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c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170)

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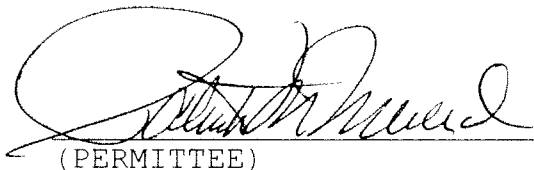
accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
(PERMITTEE)

5/2/08  
(DATE)

PATRICK M. MUENCH  
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
(DISTRICT ENGINEER)  
Paul L. Grosskruger  
Colonel, U.S. Army  
District Commander

5/2/08  
(DATE)

PERMIT NUMBER: SAJ-2007-3095(IP-AWP)  
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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

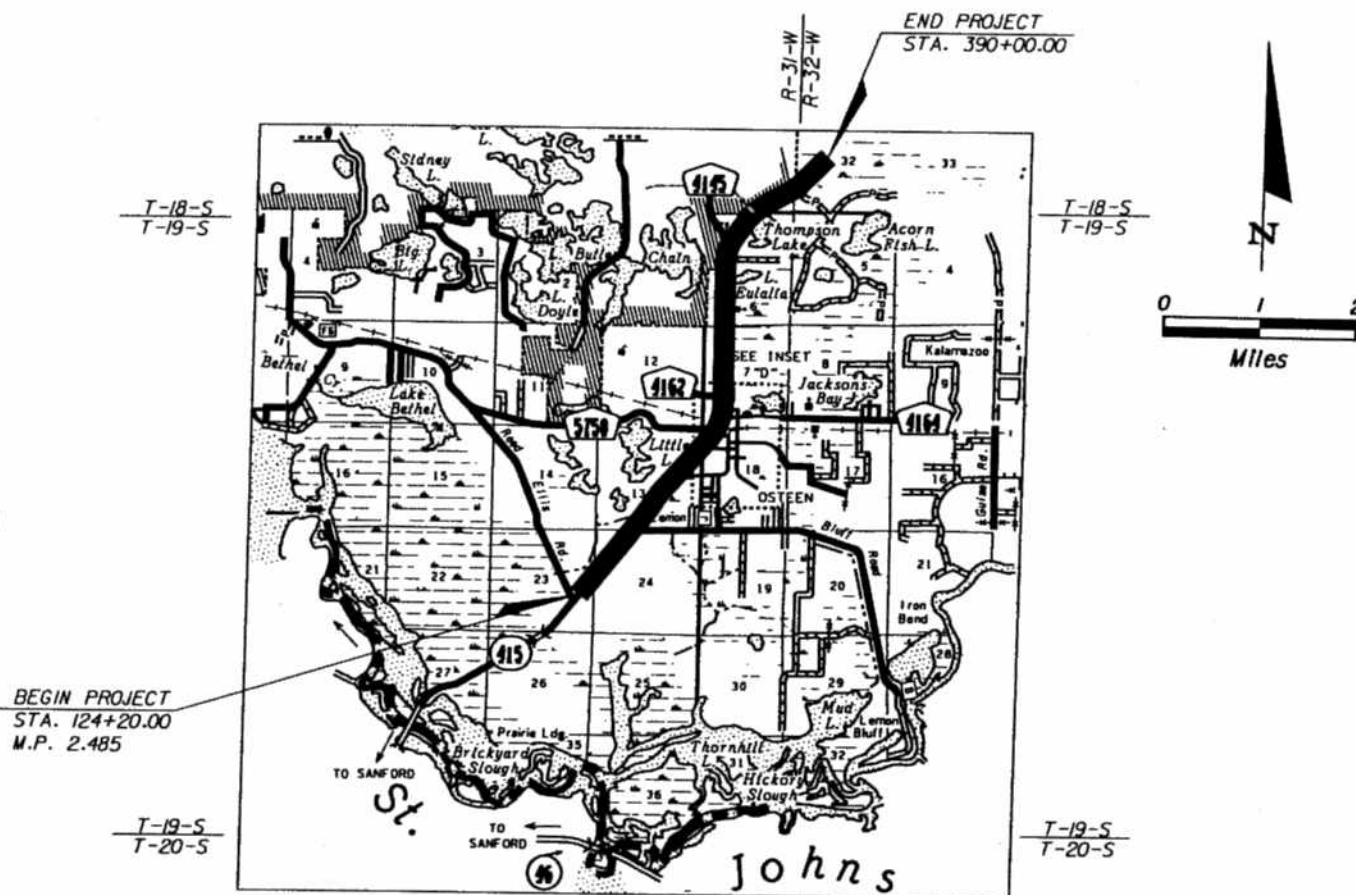
\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2007-3095(IP-AWP)  
PERMITTEE: FDOT-District 5  
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***Attachments to Department of the Army  
Permit Number SAJ-2007-3095(IP-AWP)***

1. PERMIT DRAWINGS: 13 pages, dated June 19, 2007
2. STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE; 1  
Page
3. AS-BUILT CERTIFICATION: 1 page
4. WATER QUALITY CERTIFICATION: Specific Conditions of the  
water quality permit/certification in accordance with General  
Condition number 5 on page 2 of this DA permit. 5 pages.

SPECIAL PROJECT ID 407355-4-52-01  
 (FEDERAL FUNDS)  
 VOLUSIA COUNTY ( 79120 )  
 STATE ROAD NO. 415



U.S. Army Corps of Engineers  
Application # 545-2007-3095  
Date: JUN 19 2007  
Sheet 2 of 13

U.S. Army Corps of Engineers  
Permit # SAS-2007-3095  
Date: 4/21/08  
Attachment: 1

Applicant: FDOT, District 5  
Datum: NGVD (WGS84)  
Purpose: Roadway Widening  
Location: Section: 31 & 32, Twp 18S, Rge 32E  
Section: 13, 23 & 24 Twp 19S, Rge 31E  
Section: 6, 7 & 18, Twp 19S, Rge 32E

Quad Sheets: Osteen  
Volusia County, FL

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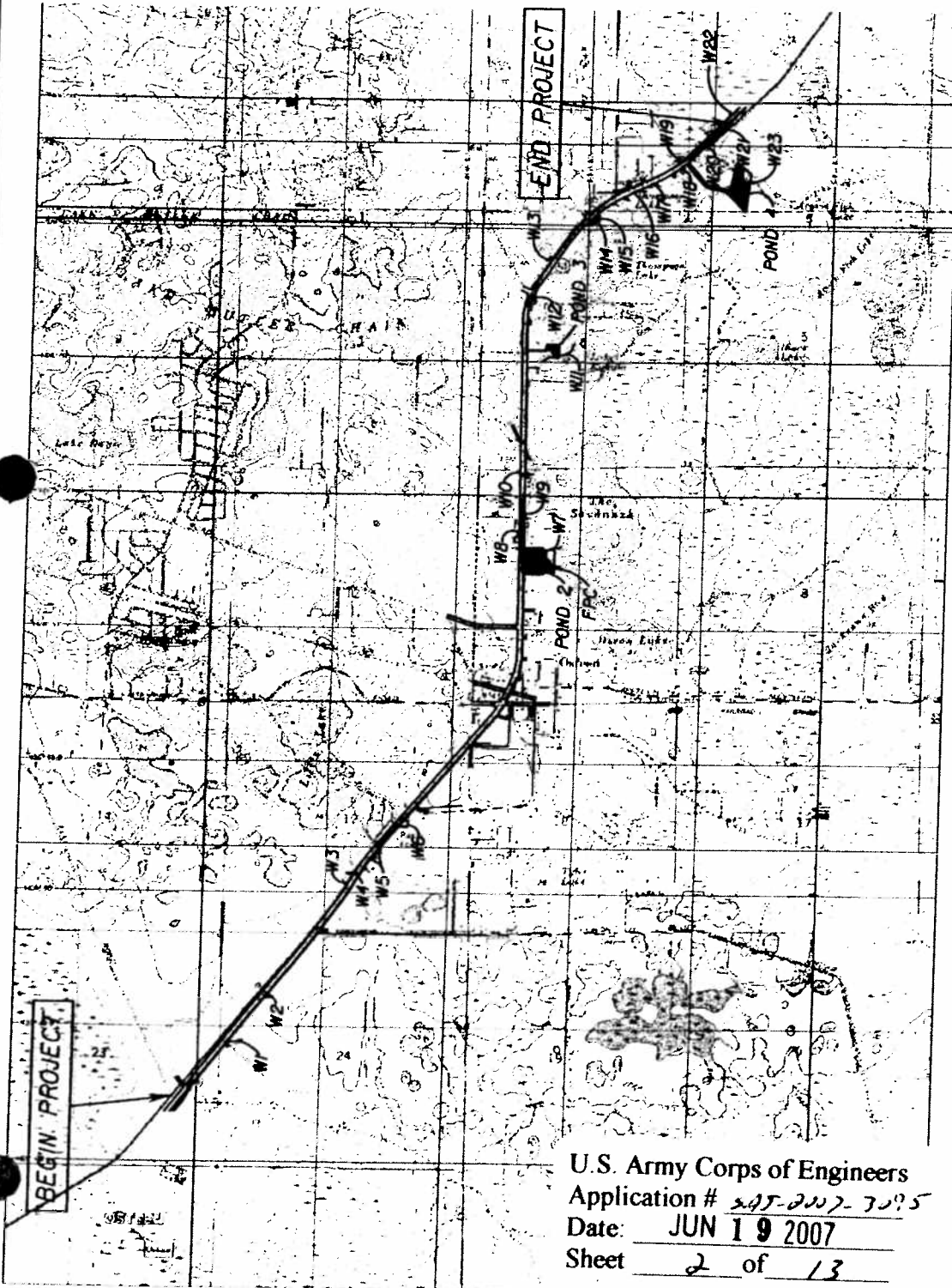


Certificate No. 7074  
870 Clark Street Oviedo, FL 32765

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-52-01

PROJECT  
LOCATION MAP  
SHEET NO. 1 OF 29



U.S. Army Corps of Engineers  
 Application # 245-2007-7075  
 Date: JUN 19 2007  
 Sheet 2 of 13

Applicant: FDOT, District 5  
 Datum: NAD 83 (NGS84)  
 Purpose: Roadway Widening  
 Location: Section: 31, & 32, Twp 18S, Rge 32E  
 Section: 13, 23 & 24, Twp 18S, Rge 31E  
 Section: 6, 7 & 18, Twp 18S, Rge 32E

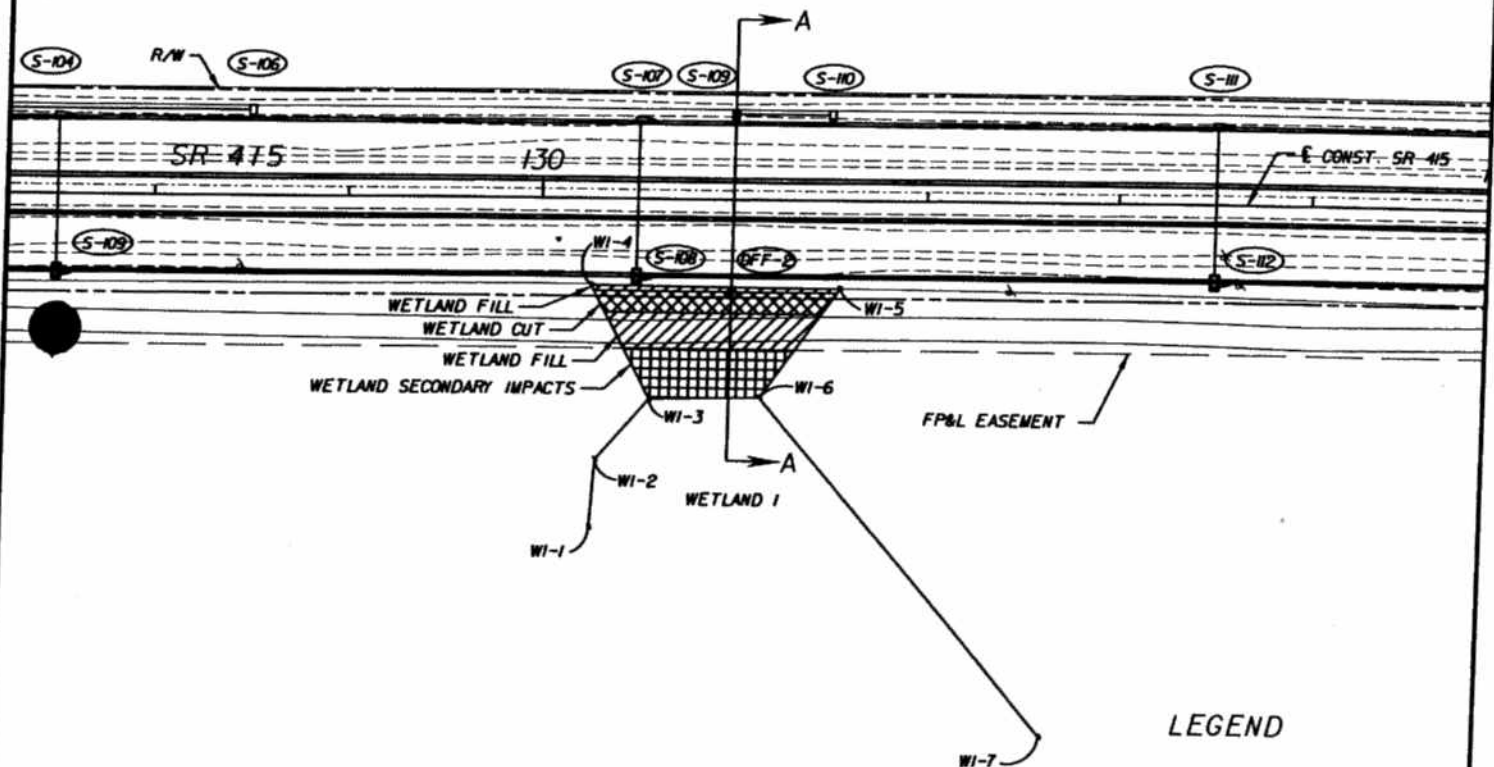


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Signature: [Signature]  
 David G. Coleman, P.E.  
 FLP-E. NO: 49469  
 Date: 05.03.07

LOCATION MAP  
 PLAN SHEET  
 SHEET NO. 2 OF 29

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 415	VOLUSIA	407355-4-32-01



U.S. Army Corps of Engineers  
 Application # 545-2007-3075  
 Date: JUN 19 2007  
 Sheet 3 of 13

#### LEGEND

- WETLAND I FILL (0.05 Ac.)
- WETLAND I CUT (0.03 Ac.)
- WETLAND I SECONDARY IMPACTS (0.04 Ac.)

Applicant: FDOT, District 5  
 Datum: NGVD (WGS84)  
 Purpose: Roadway Widening  
 Location: Section: 31 & 32, Twp 18S, Rge 32E  
 Section: 13, 23 & 24, Twp 19S, Rge 31E  
 Section: 6, 7 & 18, Twp 19S, Rge 32E

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Signature:   
 David G. Coleman, P.E.  
 FLP.E. NO: 49469  
 Date: 05.03.07



consulting engineers  
 870 Clark Street, Orlando, FL 32706  
 Certificate Number 7074  
 Vendor Number 58-371-8363-002

#### STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

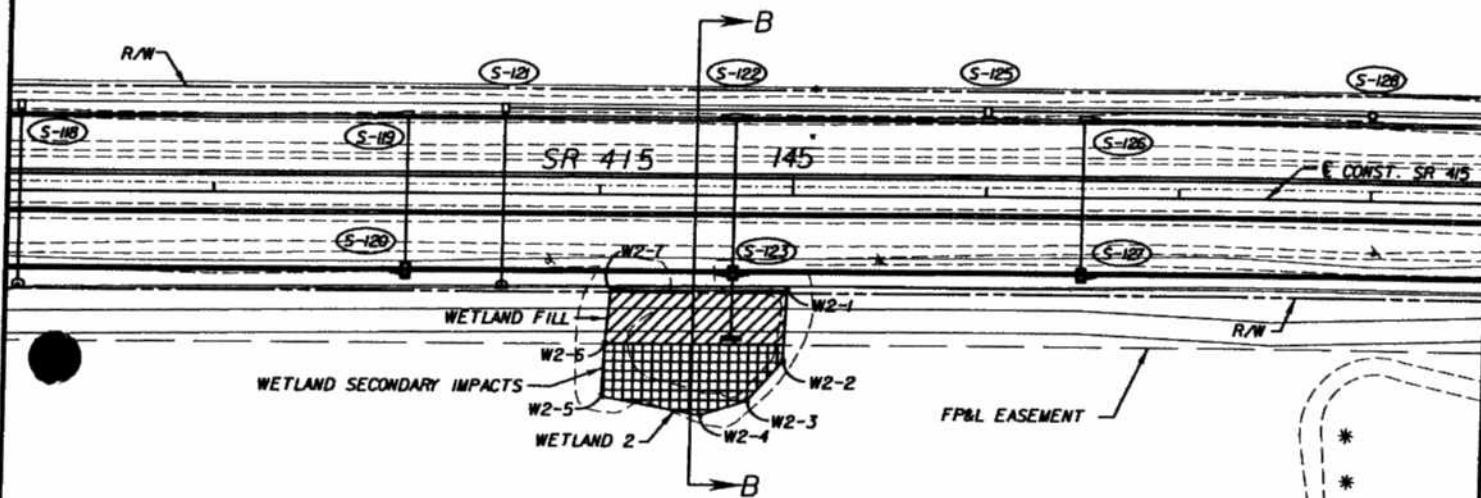
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLAND I  
 PLAN SHEET  
 SHEET NO. 3 OF 29

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U.S. Army Corps of Engineers  
 Application # 6AT-JUN 7-2007  
 Date: JUN 19 2007  
 Sheet 4 of 13

#### LEGEND

- WETLAND 2 FILL (0.06 Ac.)
- WETLAND 2 CUT (0.00 Ac.)
- WETLAND 2 SECONDARY IMPACTS (0.06 Ac.)

Applicant: FDOT, District 5  
 Datum: NGVD (WGS84)  
 Purpose: Roadway Widening  
 Location: Section: 31 & 32, Twp 18S, Rge 32E  
 Section: 13, 23 & 24, Twp 19S, Rge 31E  
 Section: 6, 7 & 18, Twp 19S, Rge 32E

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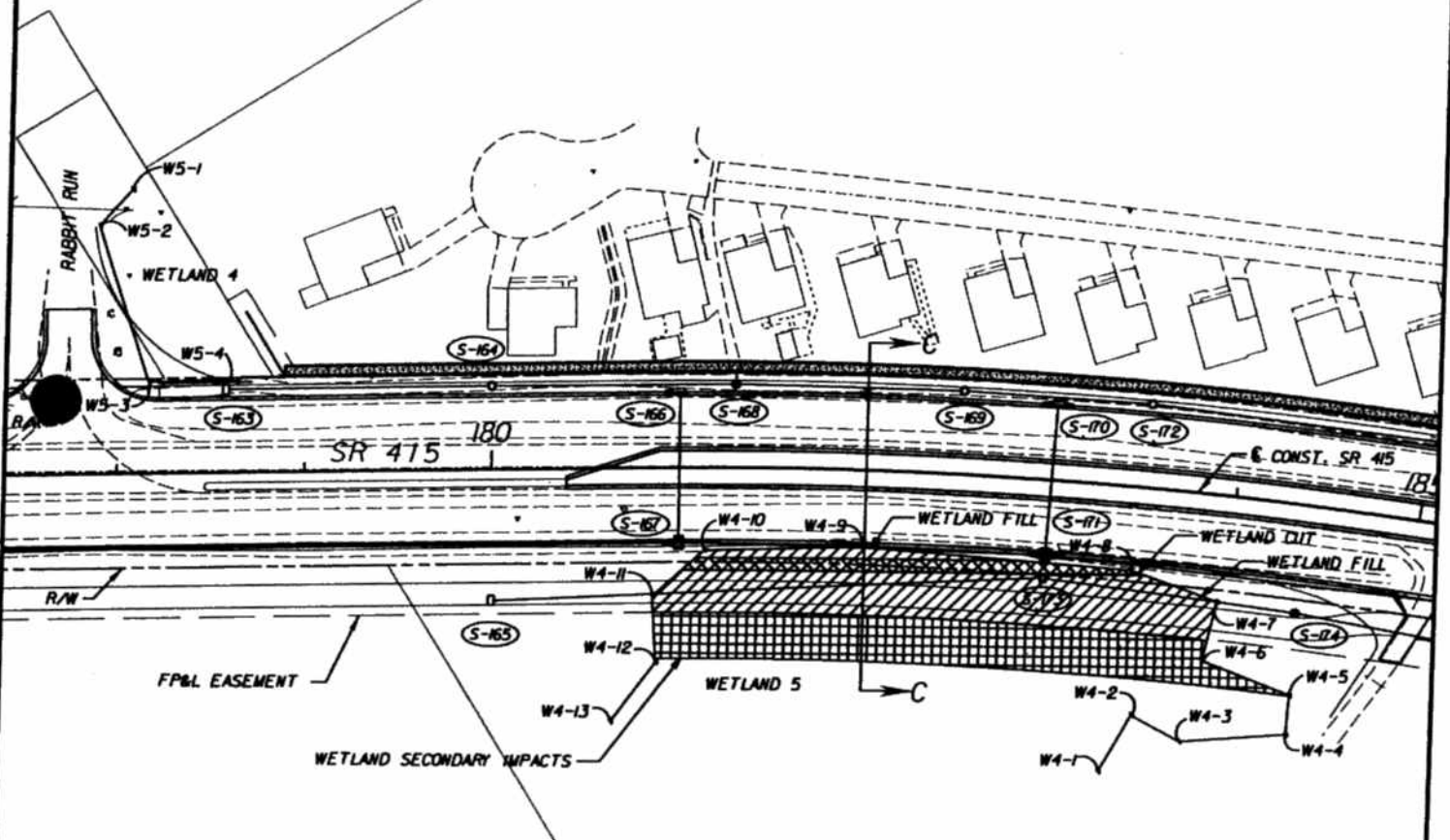
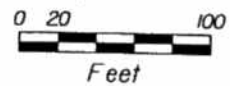
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 David G. Coleman, P.E.  
 FLP.E. NO: 49469  
 Date: 05.03.07

**Inwood**  
 consulting engineers  
 870 Clark Street, Orlando, FL 32785  
 Certificate Number 7074  
 Vendor Number 58-321-0583-003

#### STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLAND 2  
 PLAN SHEET  
 SHEET NO. 5 OF 29



U.S. Army Corps of Engineers  
 Application # 545-2007-3015  
 Date: JUN 19 2007  
 Sheet 5 of 13

**LEGEND**

- WETLAND 5 FILL (0.19 Ac.)
- WETLAND 5 CUT (0.03 Ac.)
- WETLAND SECONDARY IMPACTS (0.17 Ac.)

Applicant: FDOT, District 5  
 Datum: NGVD (WGS84)  
 Purpose: Roadway Widening  
 Location: Section: 31 & 32, Twp 18S, Rge 32E  
 Section: 13, 23 & 24, Twp 19S Rge 31E  
 Section: 6, 7 & 18, Twp 19S, Rge 32E

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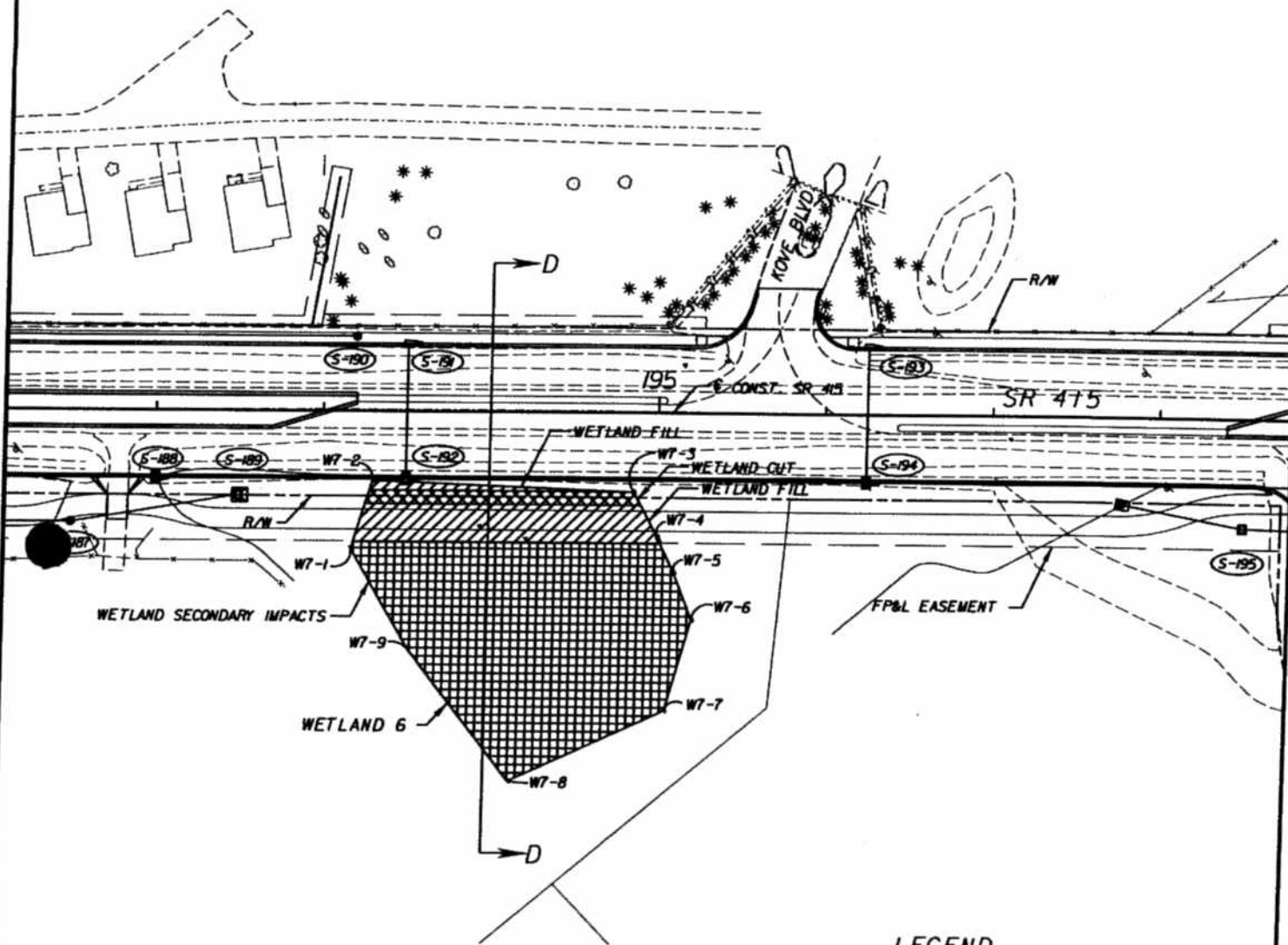
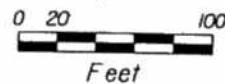
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 David G. Coleman, P.E.  
 FLP.E. NO: 49469  
 Date: 05.03.07

**Inwood**  
 consulting engineers  
 870 Clark Street, Orlando, FL 32706  
 Certificate Number 70714  
 Vendor Number 58-371-8063-002

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

**WETLAND 5  
 PLAN SHEET  
 SHEET NO. 7 OF 29**





U.S. Army Corps of Engineers  
 Application # 345-2007-3095  
 Date: JUN 19 2007  
 Sheet 6 of 13

#### LEGEND

- WETLAND 6 FILL (0.10 Ac.)
- WETLAND 6 CUT (0.03 Ac.)
- WETLAND 6 SECONDARY IMPACTS (0.45 Ac.)

Applicant: FDOT, District 5  
 Datum: NGVD (NGS84)  
 Purpose: Roadway Widening  
 Location: Section: 31 & 32, Twp 18S, Rge 32E  
 Section: 13, 23 & 24, Twp 19S Rge 31E  
 Section: 6, 7 & 18, Twp 19S, Rge 32E

Quad Sheets: Osteen  
 Volusia County, FL

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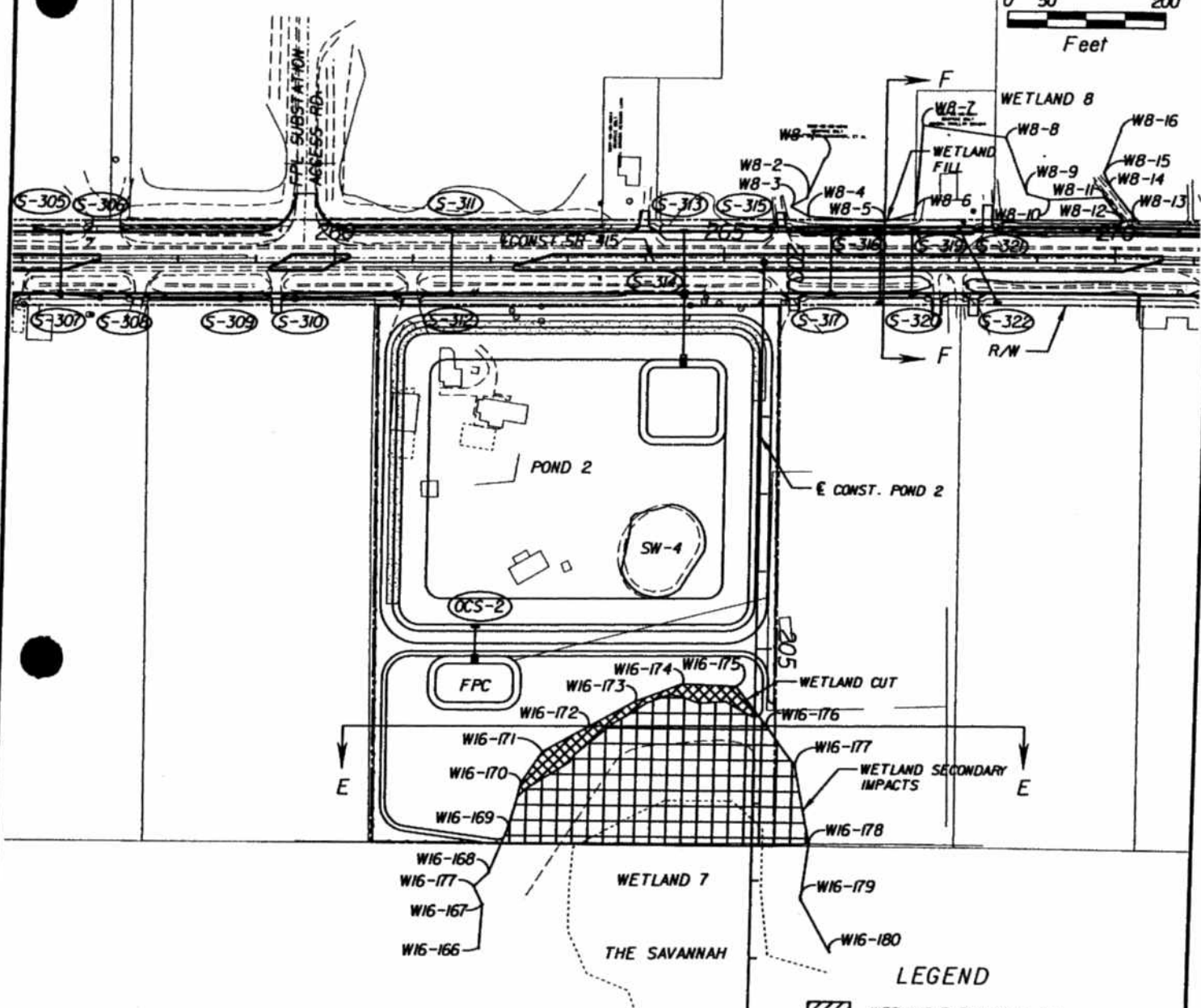
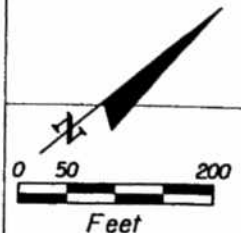
Signature:   
 David G. Coleman, P.E.  
 FLP.E. NO: 49469  
 Date: 05-03-07

**Inwood**  
 consulting engineers  
 870 Clark Street, Orlando, FL 32786  
 Certificate Number 7074  
 Vendor Number 98-321-6583-002

#### STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLAND 6  
 PLAN SHEET  
 SHEET NO. 9 OF 29



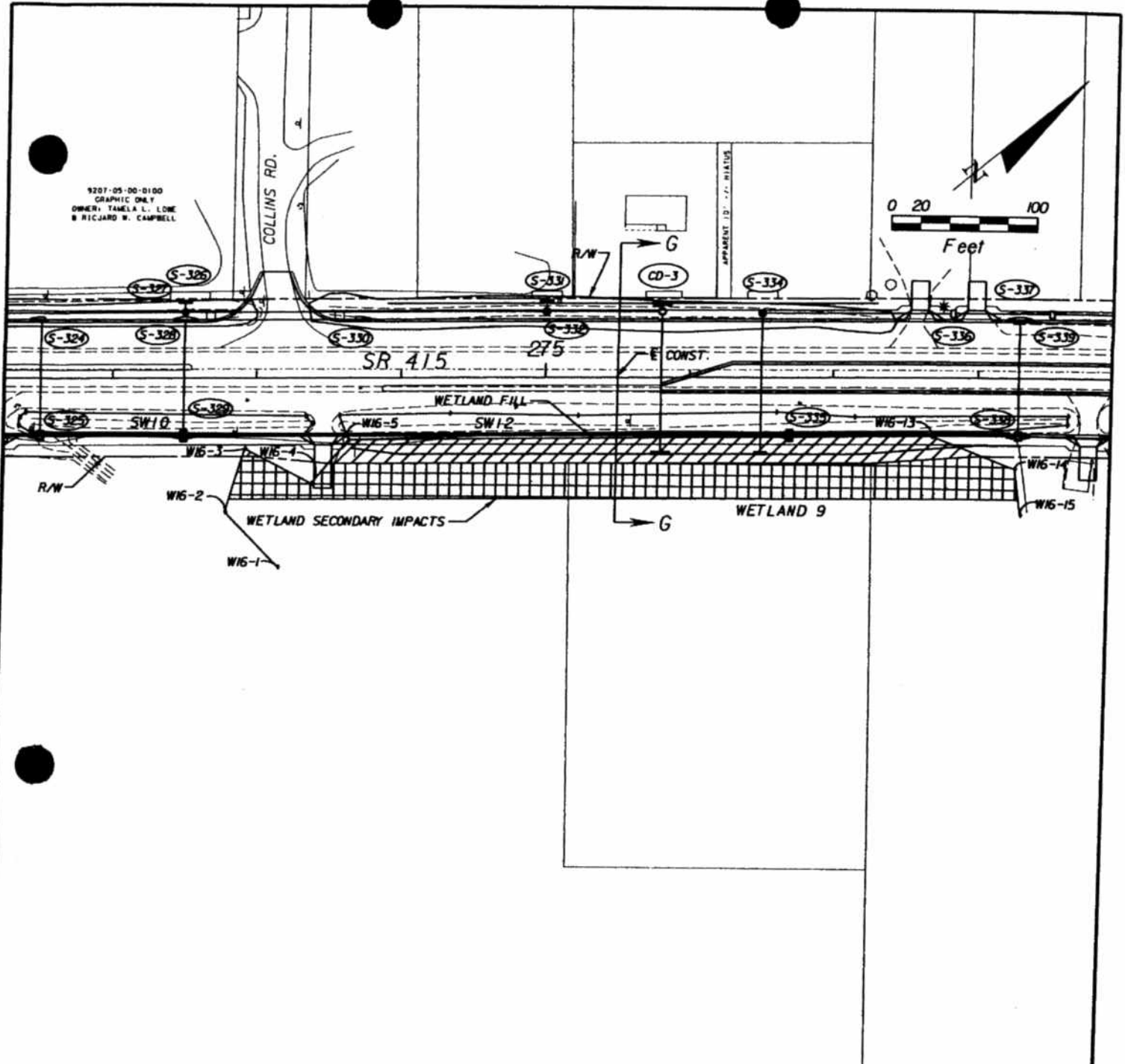
U.S. Army Corps of Engineers  
 Application # 545-2007-3015  
 Date: JUN 19 2007  
 Sheet 7 of 13

- LEGEND**
- WETLAND 7 FILL (0.00 Ac.)
  - WETLAND 7 CUT (0.14 Ac.)
  - WETLAND 7 SECONDARY IMPACTS (1.26 Ac.)
  - WETLAND 8 FILL (0.00 Ac.)
  - WETLAND 8 CUT (0.00 Ac.)

Applicant: FDOT, District 5 Datum: NGVD (WGS84) Purpose: Roadway Widening Location: Section: 31 & 32, Twp 18S, Rge 32E Section: 13, 23 & 24, Twp 19S, Rge 31E Section: 6, 7 & 18, Twp 19S, Rge 32E	Quad Sheets: Osteen Volusia County, FL Beg.: Lat: 28° 50' 20" Long: 81° 11' 27" Mid.: Lat: 28° 51' 26" Long: 81° 9' 43" End.: Lat: 28° 52' 46" Long: 81° 9' 4"	Signature: <i>David G. Coleman</i> David G. Coleman, P.E. FLP.E. NO: 49469 Date: 05.03.07
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 870 Clark Street, Orlando, FL 32785 Certificate Number 7074 Vendor Number 08-321-8063-002	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		WETLANDS 7 & 8 PLAN SHEET SHEET NO. 11 OF 29	
	ROAD NO.	COUNTY		FINANCIAL PROJECT ID
	415	VOLUSIA		407355-4-32-01

9207-05-00-0100  
GRAPHIC ONLY  
OWNER: TAMELA L. LONE  
B RICJARD W. CAMPBELL



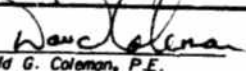
U.S. Army Corps of Engineers  
Application # 545-2007-3075  
Date: JUN 19 2007  
Sheet 8 of 13

# LEGEND

-  WETLAND 9 FILL (0.17 Ac.)
-  WETLAND 9 CUT (0.00 Ac.)
-  WETLAND 9 SECONDARY IMPACTS (0.31 Ac.)

Applicant: FDOT, District 5  
Datum: NGVD (WGS84)  
Purpose: Roadway Widening  
Location: Section: 31 & 32, Twp 18S, Rge 32E  
Section: 13, 23 & 24, Twp 19S, Rge 31E  
Section: 6, 7 & 18, Twp 19S, Rge 32E

Quad Sheets: Osteen  
Volusia County, FL  
Beg.: Lat: 28° 50' 20" Long: 81° 11' 27"  
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Signature:   
David G. Coleman, P.E.  
FLP.E. NO: 49469  
Date: 05.03.07

**Inwood**  
consulting engineers  
870 Clark Street, Orlando, FL 32765  
Certificate Number 7074  
Vendor Number 98-321-8983-002

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

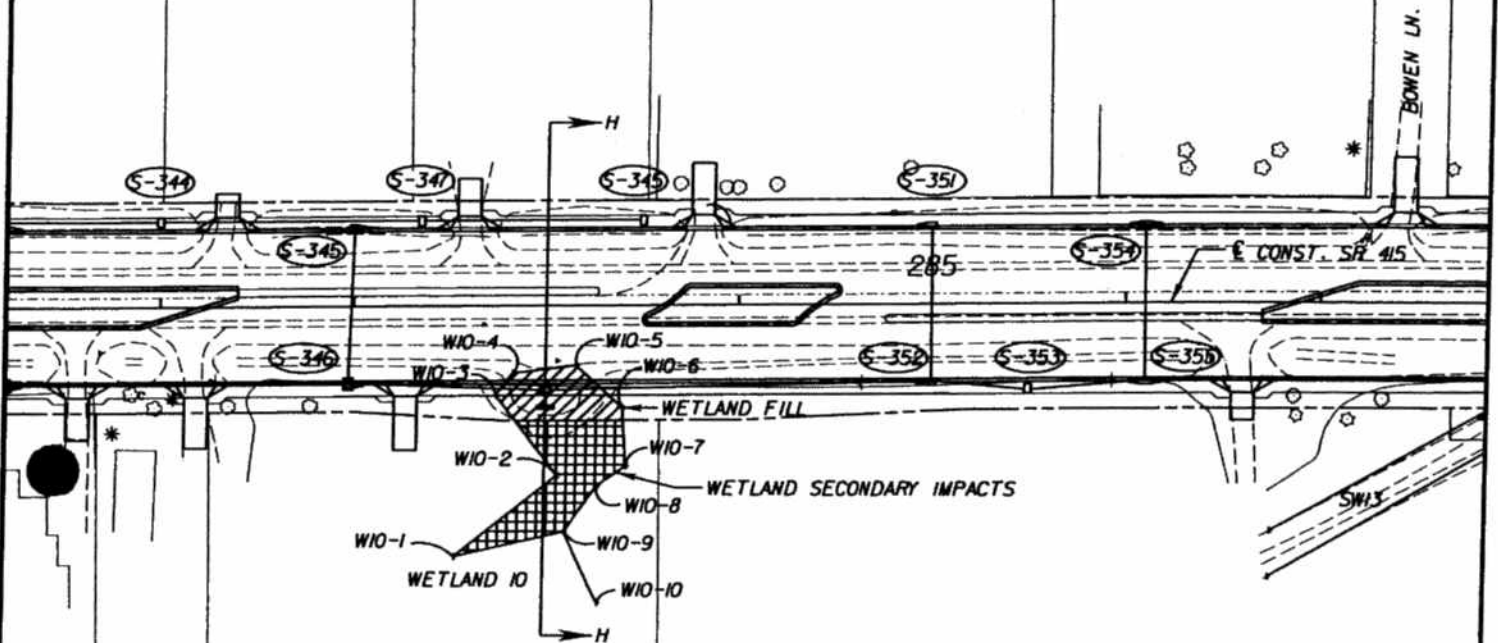
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLAND 9  
PLAN SHEET  
SHEET NO. 14 OF 29

9206-00-00-0134  
GRAPHIC ONLY  
OWNER: AUDREY BROWN




9206-00-00-0130  
GRAPHIC ONLY  
OWNER: AUDREY BROWN

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Feet



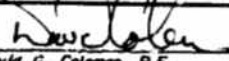
U.S. Army Corps of Engineers  
Application # 545-207-3095  
Date: JUN 19 2007  
Sheet 7 of 13

### LEGEND

-  WETLAND IO FILL (0.03 Ac.)
-  WETLAND IO CUT (0.00 Ac.)
-  WETLAND IO SECONDARY IMPACTS (0.06 Ac.)

Applicant: FDOT, District 5  
Datum: NGVD (NGS84)  
Purpose: Roadway Widening  
Location: Section: 31 & 32, Twp 18S, Rge 32E  
Section: 13, 23 & 24, Twp 19S, Rge 31E  
Section: 6, 7 & 18, Twp 19S, Rge 32E

Quad Sheets: Osteen  
Volusia County, FL  
Beg.: Lat: 28° 50' 20" Long: 81° 11' 27"  
Mid.: Lat: 28° 51' 25" Long: 81° 9' 43"  
End: Lat: 28° 52' 46" Long: 81° 9' 4"

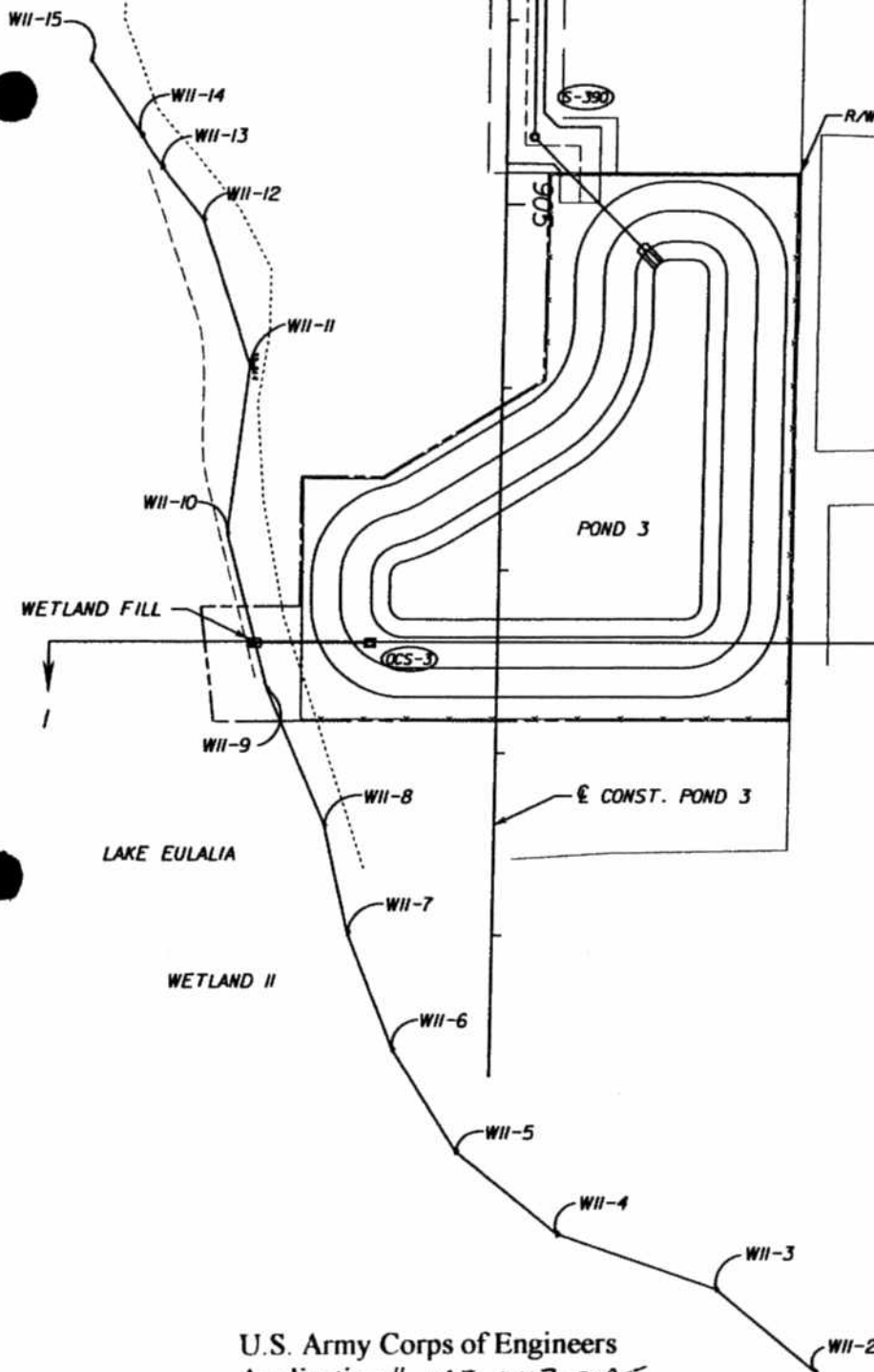
Signature:   
David G. Coleman, P.E.  
FLP.E. NO: 49469  
Date: 05.03.07

**Inwood**  
consulting engineers  
870 Clark Street, Orlando, FL 32785  
Certificate Number 7074  
Vendor Number 98-321-8983-002

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLAND IO  
PLAN SHEET  
SHEET NO. 16 OF 29



U.S. Army Corps of Engineers  
Application # 545-2007-3035  
Date: JUN 19 2007  
Sheet 10 of 13

#### LEGEND

- WETLAND II FILL (0.001 Ac.)
- WETLAND II CUT (0.00 Ac.)

Applicant: FDOT, District 5  
Datum: NGVD (NGS84)  
Purpose: Roadway Widening  
Location: Section: 31 & 32, Twp 18S, Rge 32E  
Section: 13, 23 & 24, Twp 19S, Rge 31E  
Section: 6, 7 & 18, Twp 19S, Rge 32E

Quad Sheets: Osteen  
Volusia County, FL

Beg.: Lat: 28° 50' 20" Long: 81° 11' 27"  
Mid.: Lat: 28° 51' 26" Long: 81° 9' 43"  
End: Lat: 28° 52' 46" Long: 81° 9' 4"

Signature:

David G. Coleman, P.E.

FLP.E. NO: 49469

Date:

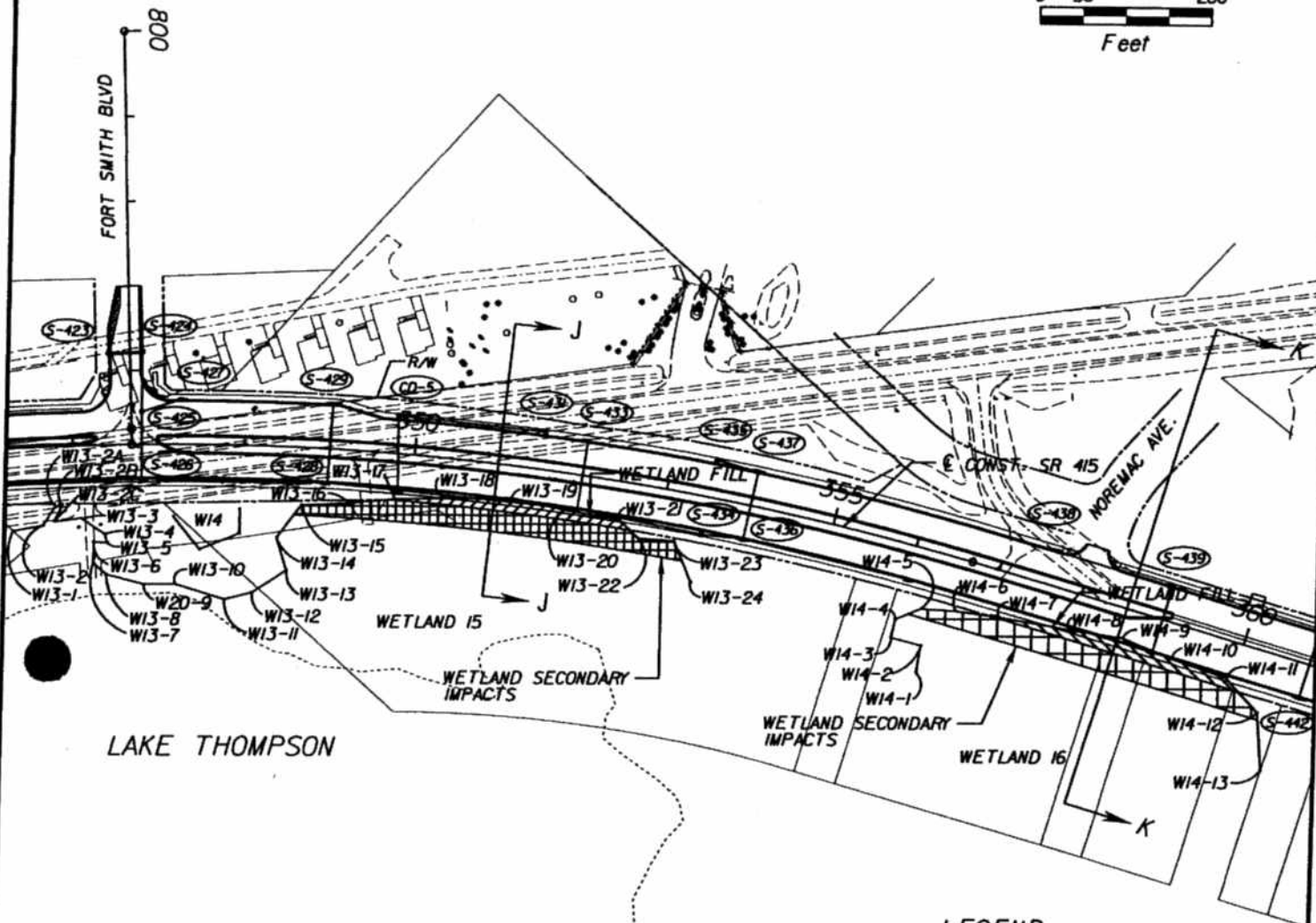
06.03.07









#### STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLAND II  
PLAN SHEET  
SHEET NO. 18 OF 29



# LEGEND

-  WETLAND 15 FILL (0.07 Ac.)
-  WETLAND 15 CUT (0.00 Ac.)
-  WETLAND 15 SECONDARY IMPACTS (0.23 Ac.)
-  WETLAND 16 FILL (0.08 Ac.)
-  WETLAND 16 CUT (0.00 Ac.)
-  WETLAND 16 SECONDARY IMPACTS (0.22 Ac.)

U.S. Army Corps of Engineers  
 Application # 545-207-3095  
 Date: JUN 19 2007  
 Sheet 11 of 13

Applicant: FDOT, District 5  
 Datum: NGVD (WGS84)  
 Purpose: Roadway Widening  
 Location: Section: 31 & 32, Twp 18S, Rge 32E  
 Section: 13, 23 & 24, Twp 19S, Rge 31E  
 Section: 6, 7 & 18, Twp 19S, Rge 32E

Quad Sheets: Osteen  
 Volusia County, FL  
 Beg.: Lat: 28° 50' 20" Long: 81° 11' 27"  
 Mid.: Lat: 28° 51' 25" Long: 81° 9' 43"  
 End: Lat: 28° 52' 46" Long: 81° 9' 4"

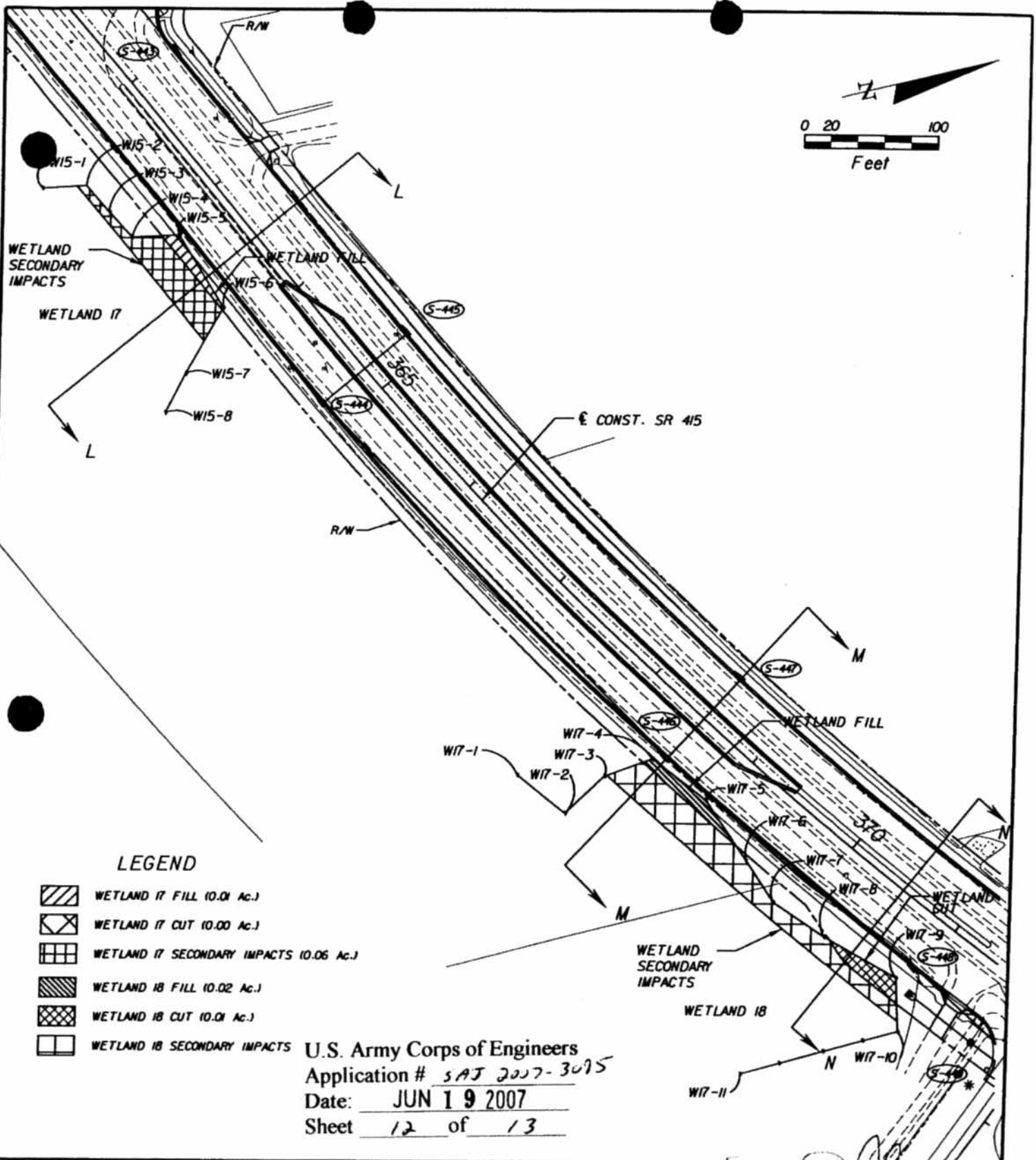
Signature: David G. Coleman, P.E.  
 FLP.E. NO: 49469  
 Date: 05.03.07



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLANDS 15 & 16  
 PLAN SHEET  
 SHEET NO. 20 OF 29





Applicant: FDOT, District 5

Datum: NGVD (WGS84)

Purpose: Roadway Widening

Location: Section: 31 & 32, Twp 18S, Rge 32E

Section: 13, 23 & 24, Twp 19S, Rge 31E

Section: 6, 7 & 18, Twp 19S, Rge 32E

Quad Sheets: Osteen

Volusia County, FL

Beg.: Lat: 28° 50' 20" Long: 81° 11' 27"

Mid.: Lat: 28° 51' 26" Long: 81° 9' 43"

End: Lat: 28° 52' 46" Long: 81° 9' 4"

Signature:

David G. Coleman, P.E.

FLP.E. NO: 49460

Date: 05.03.07

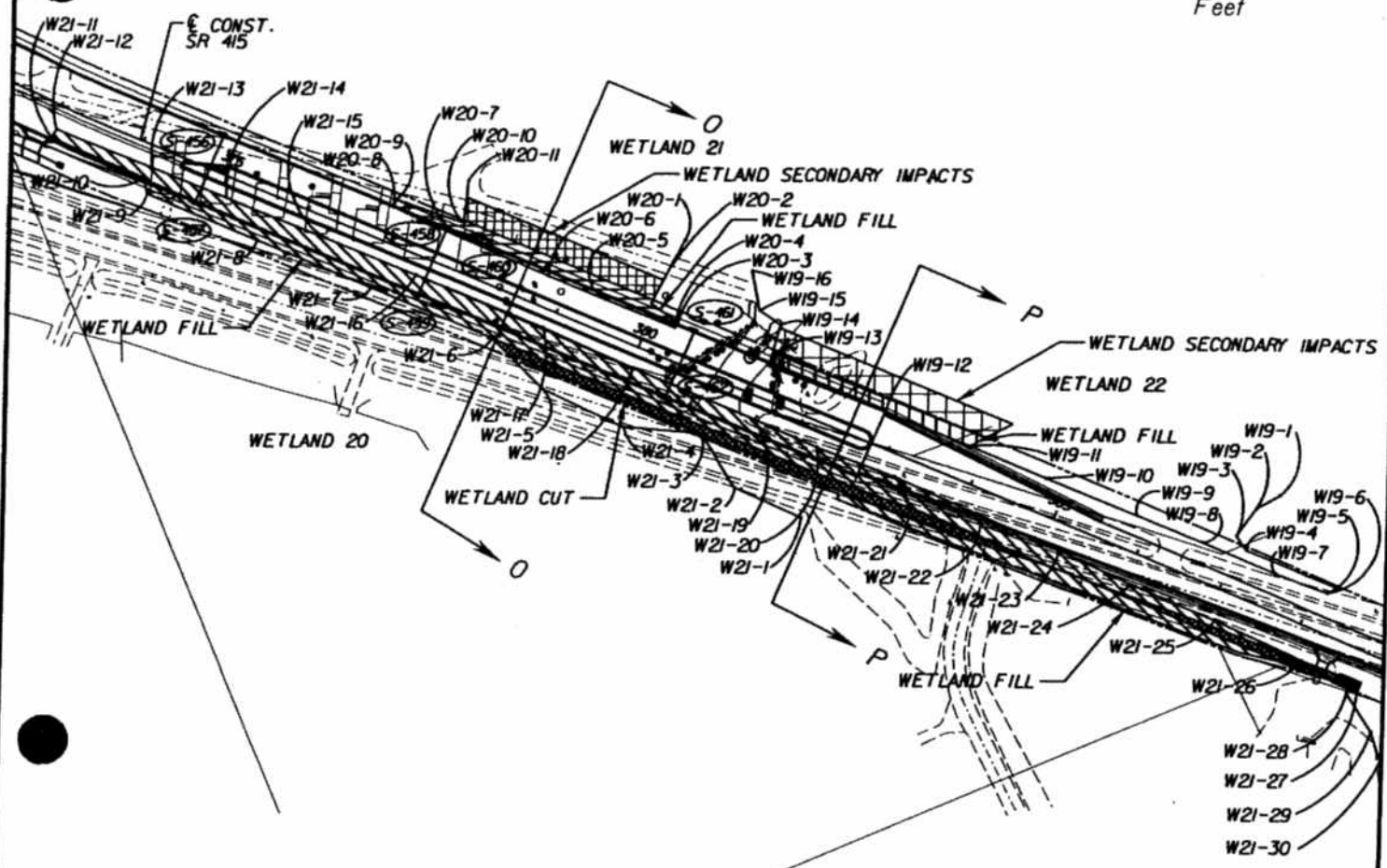
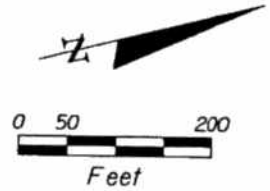


870 Clark Street, Orlando, FL 32716  
 Certificate Number 7074  
 Vendor Number 98-321-6963-002

STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLAND 17 & 18  
 PLAN SHEET  
 SHEET NO. 23 OF 29



### LEGEND

- WETLAND 20 FILL (0.95 Ac.)
- WETLAND 20 CUT (0.18 Ac.)
- WETLAND 21 FILL (0.14 Ac.)
- WETLAND 21 CUT (0.00 Ac.)
- WETLAND 21 SECONDARY IMPACTS (0.14 Ac.)
- WETLAND 22 FILL (0.09 Ac.)
- WETLAND 22 CUT (0.00 Ac.)
- WETLAND 22 SECONDARY IMPACTS (0.17 Ac.)

U.S. Army Corps of Engineers  
 Application # 545-207-3095  
 Date: JUN 19 2007  
 Sheet 13 of 13

Applicant: FDOT, District 5  
 Datum: NGVD (NGS84)  
 Purpose: Roadway Widening  
 Location: Section: 31 & 32, Twp 18S, Rge 32E  
 Section: 13, 23 & 24, Twp 19S, Rge 31E  
 Section: 6, 7 & 18, Twp 19S, Rge 32E

Quad Sheets: Osteen  
 Volusia County, FL  
 Beg.: Lat: 28° 50' 20" Long: 81° 11' 27"  
 Mid.: Lat: 28° 51' 26" Long: 81° 9' 43"  
 End: Lat: 28° 52' 46" Long: 81° 9' 4"

Signature:   
 David G. Coleman, P.E.  
 FLP.E. NO: 49469  
 Date: 05.03.07

**Inwood**  
 consulting engineers  
 879 Clark Street, Orlando, FL 32785  
 Certificate Number 7074  
 Vendor Number 58-321-0003-002

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
415	VOLUSIA	407355-4-32-01

WETLANDS 20, 21 & 22  
 PLAN SHEET  
 SHEET NO. 27 OF 29



## STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
  - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
  - b. instructions not to injure, harm, harass or kill this species;
  - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
  - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
  - a. any sightings of eastern indigo snakes and
  - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

U.S. Army Corps of Engineers  
Permit # SAT-2007-3045  
Date: 4/21/08  
Attachment: 2



AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: \_\_\_\_\_

2. Permittee Information:

Name \_\_\_\_\_

Address \_\_\_\_\_

3. Project Site Identification:

Physical location/address \_\_\_\_\_

4. As-Built Certification:

I hereby certify that the authorized work has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer \_\_\_\_\_

Name (Please type) \_\_\_\_\_

Florida Reg. Number \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

(Affix Seal)

City \_\_\_\_\_

State \_\_\_\_\_

ZIP \_\_\_\_\_

Date \_\_\_\_\_

Telephone Number \_\_\_\_\_

Deviations from the approved plans and specifications: (attach additional pages if necessary)

U.S. Army Corps of Engineers

Permit # 545-207-3095

Date: 4/21/08

Attachment: 3



**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**  
**Post Office Box 1429**  
**Palatka, Florida 32178-1429**

**PERMIT NO.** 4-127-109788-2

**DATE ISSUED:** April 8, 2008

**PROJECT NAME:** SR 415 (Reed Ellis Rd to Acorn Lake Rd), FPID 407355-4-52-01

**A PERMIT AUTHORIZING:**

Construction of a surface water management system with stormwater treatment by best management practices and wet detention for SR 415 (Reed Ellis Rd to Acorn Lake Rd), FPID 407355-4-52-01, a 91.12-acre project with work in, on, or over 4.46 acres of wetland or other surface waters.

**LOCATION:**

Section(s):	31, 32	Township(s):	18S	Range(s):	32E
	13, 23, 24		19S		31E
	6, 7, 18		19S		32E

Volusia County

**ISSUED TO:**

Florida Department of Transportation  
719 S Woodland Blvd MS 2-553  
De Land, FL 32720

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated April 8, 2008

**AUTHORIZED BY:** St. Johns River Water Management District

Department of Water Resources

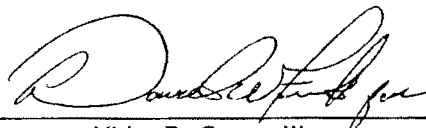
Governing Board

By:



Jeff Elledge  
(Director)

By:



Kirby B. Green III  
(Assistant Secretary)

U.S. Army Corps of Engineers

Permit # SAT-2007-3085

Date: 4/21/08

Attachment: 4



**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-127-109788-2**  
**FLORIDA DEPARTMENT OF TRANSPORTATION**  
**DATED APRIL 8, 2008**

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
  1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
  2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
  3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
  4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
  5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
  6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. This permit for construction will expire five years from the date of issuance.
21. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
24. The proposed surface water management system shall be constructed as per the plans and calculations received by the District on May 11, 2007, and modified by plans and calculations received on October 8, 2007 and December 21, 2007.
25. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

If at any time the system is not functioning as designed and permitted, then within 14 days the entity shall submit an Exceptions Report to the District, on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance.

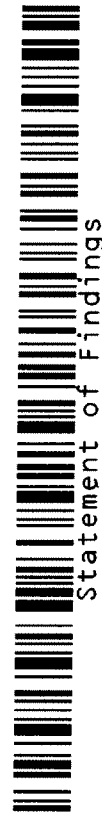
26. Prior to initiation of construction, the permittee shall submit a detailed erosion and sediment control plan to the District for written approval. The plan shall detail all erosion and sediment control measures to be implemented both during and after construction. At a minimum the plan shall include:
  - a. Identification of any areas where any dewatering will be performed during construction;
  - b. Details of specific erosion and sediment control measures to be implemented to control the discharge of turbid water due to any dewatering activities; and
  - c. Construction sequencing and details of all erosion and sediment control measures to be implemented during each sequence.

Construction shall not commence until the permittee receives written approval of the plan from the District.

27. Mitigation to offset 5.54 acres of impacts to wetlands and other surface waters authorized by this permit will be provided through Section 373.4137, Florida Statutes.

# Statement of Findings

Number: \_\_\_\_\_



Conversion services provided by:

***MICROGRAPHICS***

*The Information and Image Managers*

1925-A NW Second Street

Gainesville, FL 32609

Phone: (352) 372-6039 - Fax: (352) 378-6039

On-line: [www.micrographicsinc.com](http://www.micrographicsinc.com)



MAY 02 2008

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and  
Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation, District 5  
Attn: Patrick Muench  
719 South Woodland Blvd.  
DeLand, Florida 32720

2. Location, Project Description, Existing Conditions: The project is located along a 5.2 mile stretch of State Road 415 (SR-415) from Reed Ellis Road to north of Acorn Lake Road. The project is located in Sections 31, Township 18 South, Range 32 East, Sections 13, 23 & 24, Township 19 South, Range 31 East, and Sections 6, 7, & 18, Township 19 South, Range 32 East, Volusia County, Florida. The project as proposed will impact waters of the United States (wetlands) hydrologically connected to the St. Johns River.

The applicant proposes to impact 2.26 acres of waters of the United States (wetlands) and 2.08 acres of jurisdictional surface waters to widen SR 415 from two lanes to four lanes. This segment of SR 415 is connected to a segment of SR 415 approved for widening by Department of the Army permit number SAJ-2007-987(IP-AWP). The applicant has described the wetlands systems located within the project corridor as the following: Fourteen (14) surface waters were identified and surveyed within the project limits of construction. Surface Waters (SW) 1 and 2 are roadside Ditches (FLUCFCS 511) immediately north of Reed Ellis Road and SW3 is a cross ditch north of Rabbit Run, extending east from under S.R. 415. SW 4 is a small homeowner-dug pond (FLUCFCS 534) that is located within Pond Site 2. The remaining surface waters are roadside ditches (FLUCFCS 511) on both sides of S.R. 415 in the vicinity of Collins Road.

Wetland 1 (FLUCFCS 630/643) is a Wetland Forested Mixed community that extends off-site to the east. Dominant species in the forested section include pond pine (*Pinus serotina*), swamp tupelo (*Nyssa sylvatica* var. *biflora*), and cypress (*Taxodium* spp.). Ground cover in the wet prairie section includes soft rush (*Juncus effusus*), rattle bush (*Sesbania herbacea*), bacopa (*Bacopa caroliniana*), hydrocotyle (*Hydrocotyle* spp.), cordgrass (*Spartina bakeri*), and duck potato (*Sagittaria lancifolia*). Surrounding improved pastures have reduced the historic limits of the

CESAJ-RD-NC (SAJ-2007-3095(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

forested edges of this wetland and resulted in impacts to the remaining vegetation by cattle. Direct impacts to this wetland are proposed to result from the right-of-way widening.

Wetland 2 (FLUCFCS 643) is a 0.12 acre isolated, depressional, wet prairie that is located within an expanse of improved pasture. The wetland area is vegetated by wetland graminoids and other herbaceous species including soft rush, Long's sedge (*Carex longii*), red ludwigia (*Ludwigia repens*), and matchheads (*Phyla nodiflora*). Direct impacts to this wetland are proposed to result from the right-of-way widening.

Wetlands 3 and 4 (FLUCFCS 630) are located south and north, respectively, of the intersection of Rabbit Run and S.R. 415. Wetland 3 begins at the edge of the west right-of-way as a narrow strand of wetland that extends west/northwest between an expanse of improved pasture to the south and a single family residence to the north.

Wetland 4 is a 0.07 acre, remnant wetland area that is located adjacent to the existing right-of-way in the northwest corner of the intersection of Rabbit Run and S.R. 415, at the south fence edge of Kove Estates. Neither of these wetlands will be directly impacted by the project and neither have intact natural buffers adjacent to the right-of-way.

Wetland 5 (FLUCFCS 630) is a Wetland Forested Mixed community. The canopy in this wetland includes slash pine (*Pinus elliotti*), cypress, laurel oak (*Quercus laurifolia*), loblolly bay (*Gordonia lasianthus*), sweetbay magnolia (*Magnolia virginicus*), and water oak (*Quercus nigra*). The shrub and ground cover species include red maple (*Acer rubrum*), saltbush (*Baccharis halimifolia*), dahoon holly (*Ilex cassine*), swamp bay (*Persea palustris*), wax myrtle, carolina willow, swamp fern (*Thelypteris* spp.), and cinnamon fern (*Osmunda cinnamomea*). The wetland is currently in good condition, although it has no buffer as it was impacted by the initial creation of S.R. 415. Direct impacts to this wetland are proposed to result from the right-of-way widening.

Wetland 6 (FLUCFCS 630) is a 0.58 acre isolated wetland remnant. The vegetation is similar to that of Wetland 5. Direct impacts associated with the roadway widening will leave a less than 0.5 acre remnant of this wetland.

CESAJ-RD-NC (SAJ-2007-3095(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

Wetlands 7, 9 and 10 (FLUCFCS 630) are portions of the forested west side of the expansive Savannahs wetland system that includes vast areas of freshwater marsh. Vegetation within the forested areas includes pond pine, cypress, swamp tupelo, red maple, and swamp bay (*Persea palustris*) in the canopy. The sub-canopy and ground cover strata include dahoon holly, wax myrtle, buttonbush (*Cephalanthus occidentalis*), cinnamon and royal ferns (*Osmunda regalis*). Biological indicators including lichen lines and adventitious rooting were used in setting the seasonal high water elevations in this area. The edge of Wetland 7 will be impacted by the construction of a flood compensation area to its west and south.

Wetlands 9 and 10 are proposed to incur direct impacts as a result of the right-of-way widening.

Wetland 11 (FLUCFCS 523) is a narrow fringe along the shoreline of Lake Eulalia. Due to recent high water elevation in this lake basin, the vegetation is herbaceous, and the slash pine and other woody vegetation were unable to survive. A slight impact is proposed to result from the installation of a pipe from Pond 3 on the hill above the north shoreline.

Wetland 12, 13, and 14 are freshwater marsh and mixed forested wetland areas (FLUCFCS 641 and 630) that are located in the vicinity of Howland Boulevard and Ft. Smith Boulevard, well outside the limits of construction.

Wetlands 15, 16 and 17 (FLUCFCS 630) occur along the east right-of-way and are actually portions of the same wetland that extends along the west and north sides of Thompson Lake. The dense vegetation includes slash pine, laurel oak, loblolly bay, sweetbay magnolia, red maple, dahoon holly, wax myrtle, swamp fern (*Thelypteris* spp.), and Virginia chain fern (*Woodwardia virginica*).

Wetland 18 (FLUCFCS 641) is a freshwater marsh that is located at the southeast corner of the intersection of S.R. 415 and Acorn Lake Road. The marsh is the north end of the Thompson Lake wetland system. Vegetation in this shallow, seasonally dry marsh includes sand cordgrass (*Spartina bakeri*), maidencane (*Panicum hemitomon*), spikerush (*Eleocharis cellulosa*), and duck potato (*Sagittaria lanceolata*).

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Wetland 19 (FLUCFCS 630) is located west of S.R. 415, just south of its intersection with Acorn Lake Road. This wetland is well outside the limits of construction for this project.

Wetlands 20, 21 and 22 (FLUCFCS 643) are herbaceous areas within the existing right-of-way where the historic canopy was removed for the initial construction of S.R. 415. Outside the right-of-way limits of construction, the vegetative community (FLUCFCS 630) associated with Wetlands 21 and 22 remains intact. Beyond the limits of construction associated with Wetland 20, the historic canopy and shrub vegetation was cleared in conjunction with the development of a residential parcel.

Wetland 23 is a large, mixed forested wetland system (FLUCFCS 630), with areas of open freshwater marsh (FLUCFCS 641), located northeast of the proposed location of Pond 4. The Volusia County Property Appraiser records indicate that the majority of the wetland is under conservation easement. No direct impacts are proposed for this system. An average buffer of 25 feet will be maintained between the pond construction limits and the wetland edge.

### 3. Project Purpose:

Basic: The widening of an existing road.

Overall: The widening of an existing road along with the associated drainage improvements.

4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344). The U.S. Army Corps of Engineers (Corps) has determined Wetlands 1, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 are jurisdictional wetlands. Wetlands 2, 3, and 4 are considered isolated and not within the Corps jurisdiction.

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

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a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) permit number 4-127-109788-2 was issued on 8 April 2008.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

#### 7. Date of Public Notice and Summary of Comments

a. The application was received on 15 May 2007. The application was considered complete on 6 June 2007. A public notice was issued on 19 June 2007, and sent to all interested parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): NMFS responded via letter dated 2 July 2007, stating that the use of compensatory mitigation to off-set wetland impacts is a suitable mechanism to offset lost functions and values to downstream federally managed species. Additionally, the contractor should follow Best Management Practices to reduce potential secondary impacts to wetlands.

(4) State Historic Preservation Officer (SHPO): By letter dated 14 August 2007, SHPO indicated that a significant archaeological site (8SE1310) is located outside of the project's area of potential effect. SHPO indicated that the proposed project would have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance.

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(5) No comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: NMFS comments were forwarded to the applicant via letter dated 1 August 2007. No response was received from the applicant.

#### 8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The no action alternative would not allow for project completion. SR 415 is part of East Central Florida's transportation roadway network. It provides system linkage between Seminole and Volusia Counties and serves as an alternate route to both Interstate 4 (I-4) to the west and Interstate 95 (I-95) to the east. No alternative roadways exist in the vicinity of the project and the construction of a new road to alleviate deficiencies along SR 415 would cause significant direct and secondary impacts to the St. Johns River and its surrounding floodplain.

The applicant has completed a Project Development and Environmental (PD&E) Study for the proposed project. The study addresses purpose and need, defines capacity needs, safety needs, and evacuation needs of the roadway. The study also evaluates alternative alignments. The final alternative selected includes the optimum typical section that ensures the highest degree of safety for the public while minimizing the environmental impacts to the greatest extent possible. A copy of the PD&E study can be obtained from Florida Department of Transportation, District 5 in Deland, Florida.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent practicable that would allow the applicant to achieve the project purpose. FDOT design standards require minimum lane, median, and shoulder width. The applicant has designed two typical sections for this segment with a right-of-way varying from 100 feet to 110 feet. First, a four-lane divided urban section including two 12-foot travel lanes in each direction, curb and gutter, and 5-foot sidewalk, and a closed sewer system, and raised median. The second section is a five-lane undivided urban section including five 12-foot travel lanes, closed storm sewer system and side walks. There is no median proposed in this section. The

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alignment of the roadway would not allow for complete avoidance of wetland impacts; however the applicant has used the minimum side slope requirements where the roadway traverses wetlands.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The applicant has proposed compensatory mitigation to offset all unavoidable impacts to Corps jurisdictional wetlands. Wetland impacts will be mitigated pursuant to the Senate Bill 1986 Rule - Section 373.4137 Florida Statutes (F.S.). The Corps has completed a Wetland Rapid Assessment Procedure and determined the direct impacts would cause 1.61 functional units of loss. At the request of the Corps the applicant has calculated a secondary impact assessment extending 300 feet beyond the limits of fill with a total impact of approximately 30.36 acres. The Corps has determined the secondary impacts will cause the loss of 2.3 functional units. Total functional loss will be 3.91 units.

These projects are part of SJRWMD FDOT Mitigation Plan, mitigation group SJ 42. Total anticipated State of Florida wetland impacts for the group have increased from 91.54 acres to 106.69 acres. These SR 415 projects, which are the last remaining projects in the group to be permitted, are responsible for the increase in estimated acreage of impact. The State impacts are greater than the Federal impacts and are as follows:

Financial Management (FM)# 4073553 36.09 acres

FM# 4073554 5.54

FM# 4073551 6.96

Total impact of 48.59 acres

The District will add another preservation and enhancement project, the Menard parcel (695.5 acres) to this mitigation group and increase the number of mitigation bank credits purchased to offset the increase in impact acres. The total preservation and enhancement for this mitigation group is now 4614.9 acres in addition to 71 mitigation bank credits. For the SR415 projects the 48.59 acres of impact will be offset by 2101.77 acres of preservation and enhancement and the purchase of 32.3 mitigation bank credits.

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The mitigation provided by the applicant fully offsets the impacts which would be incurred by the project as proposed. The applicant will purchase 4.0 federal credits to off-set impacts.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: Public needs include increased travel safety, employment opportunities, and a potential increase in the local tax base.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited:



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The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The Corps initiated informal consultation with the FWS via letter dated 2 July 2007, stating the Corps has made a determination that the proposed work "may affect, but is not like to adversely affect" the wood stork with the inclusion of wetland compensation for the loss of wetland habitat and "may affect, but is not like to adversely affect" the eastern indigo snake with the inclusion of the Standard Protection Measures for the Eastern Indigo Snake in any permit issued. The FWS concurred with this determination via letter dated 28 July 2007.

g. Essential Fisheries Habitat (EFH): NMFS concluded that the use of compensatory mitigation to off-set wetland impacts is a suitable mechanism to offset lost functions and values to downstream federally managed species. The NMFS did not provide any EFH conservation recommendations in response to the public notice. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: The applicant evaluated cumulative and secondary impacts in their PD&E study. To reduce any adverse secondary impacts the applicant has proposed compensatory mitigation within the same drainage basin as the impacts. The applicant will follow best management practices during construction to further reduce any potential secondary impacts. Additionally, the Corps has evaluated secondary impacts to wetlands within the project corridor. Secondary impacts could occur as a result of increased traffic, noise, light, road debris, habitat fragmentation, soil disturbance, construction activities,

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hydrology, increased mortality, altered chemical environment, introduction of nuisance and exotic species, and vibration. The applicant has proposed additional compensatory mitigation to offset potential adverse secondary impacts.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. The applicant has incorporated plans to protect the archeological site identified by SHPO. No other adverse comments were received.

11. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) guidelines. Having completed the evaluation above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

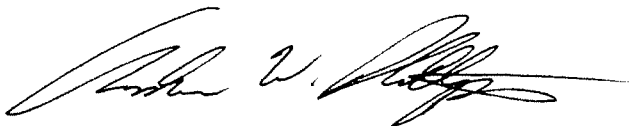
c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

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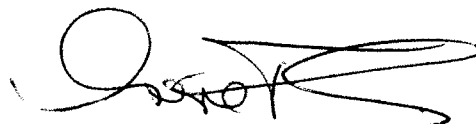
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CF:

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